1 2 3 4 5 6 UNITED STATES DISTRICT COURT 7 WESTERN DISTRICT OF WASHINGTON AT TACOMA 8 9 NICHOLAS J. CENCICH. NO. C10-5164 BHS/KLS 10 Petitioner, ORDER GRANTING 11 PETITIONER'S MOTION TO v. CONTINUE STAY AND HOLD 12 MAGGIE MILLER-STOUT, PETITION IN ABEYANCE 13 Respondent. 14 By Order dated May 28, 2010, these habeas proceedings were stayed pending 15 resolution of Petitioner's state court proceedings. Dkt. 20. On August 6, 2010, Petitioner 16 advised the court that the Washington Supreme Court denied his motion to modify the state 17 commissioner's ruling denying his request for relief. Dkt. 21. While this action would 18 normally signal an end to his state court proceedings, Petitioner has filed a motion requesting 19 20 the Washington Supreme Court to reconsider its denial in light of their recent decision in State 21 v. Bashaw, No. 81633-6 (July 1, 2010), which Petitioner believes is factually and legally 22 similar to the issues raised in his personal restraint petition. Respondent has not filed a 23 response to Petitioner's request to continue the stay. 24 Accordingly, it is **ORDERED**: 25 26

ORDER 1

(1) Petitioner's motion to continue the stay (Dkt. 21) is **GRANTED** and this matter is **STAYED** pending resolution of the state court proceedings. (2) Petitioner shall advise the Court within thirty (30) days of receiving a final State court ruling. DATED this 9th day of September, 2010. Karen L. Strombom United States Magistrate Judge

ORDER 2